

Introduced by Senator Pavley

February 17, 2016

An act to amend Section 5080.42 of the Public Resources Code, relating to state parks.

LEGISLATIVE COUNSEL'S DIGEST

SB 1111, as introduced, Pavley. State parks: operating agreements.

Existing law authorizes the Department of Parks and Recreation to enter into an operating agreement with a qualified nonprofit organization for the development, improvement, restoration, care, maintenance, administration, or operation of a unit or units, or portion of a unit, of the state parks system, as provided. Existing law provides that the department may only enter into an operating agreement for the entirety of a park unit for no more than 20 park units.

This bill would delete this provision.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 5080.42 of the Public Resources Code
- 2 is amended to read:
- 3 5080.42. (a) Notwithstanding any other provision of this
- 4 article, the department may enter into an operating agreement with
- 5 a qualified nonprofit organization for the development,
- 6 improvement, restoration, care, maintenance, administration, or
- 7 operation of a unit or units, or portion of a unit, of the state park
- 8 system, as agreed to by the director. The prohibition on park
- 9 closures, pursuant to subdivision (a) of Section 541.5, does not

1 limit the department's authority to enter into an operating
2 agreement pursuant to this section, as provided in subdivision (e)
3 of Section 541.5. ~~The department may only enter into an operating~~
4 ~~agreement that involves the operation of the entirety of a park unit~~
5 ~~for no more than 20 park units.~~ An operating agreement with a
6 qualified nonprofit organization shall include, but shall not be
7 limited to, the following conditions:

8 (1) The district superintendent for the department shall provide
9 liaison with the department, the nonprofit organization, and the
10 public.

11 (2) The nonprofit organization shall annually submit a written
12 report to the department regarding its operating activities during
13 the prior year and shall make copies of the report available to the
14 public upon request. The report shall be available on the Internet
15 Web sites of both the department and the nonprofit organization.
16 The report shall include a full accounting of all revenues and
17 expenditures for each unit of the state park system that the
18 nonprofit organization operates pursuant to an operating agreement.

19 (3) (A) Except as provided in subparagraph (B), all revenues
20 that the qualified nonprofit organization receives from a unit shall
21 be expended only for the care, maintenance, operation,
22 administration, improvement, or development of the unit. The
23 qualified nonprofit organization may additionally contribute in-kind
24 services and funds raised from outside entities for the care,
25 maintenance, operation, administration, improvement, or
26 development of the unit.

27 (B) If the qualified nonprofit organization determines that the
28 revenues it has received from a unit are in excess of the revenues
29 that are needed for the care, maintenance, operation, administration,
30 improvement, or development of that unit, and that these funds
31 are not already specified for or committed to specific purposes
32 pursuant to an existing agreement or contract restricting the use
33 of those funds, the qualified nonprofit organization may dedicate
34 those excess revenues to another state park unit for that unit's care,
35 maintenance, operation, administration, improvement, or
36 development.

37 (4) General Fund moneys shall not be provided to a nonprofit
38 organization to subsidize the operation or maintenance of a park
39 unit. This paragraph applies to state parks, the full operation of
40 which are turned over to a nonprofit organization, but does not

1 apply to or preclude the department from entering into agreements
2 with nonprofit organizations to operate a portion of a state park
3 unit, or from entering into comanagement agreements with
4 nonprofit organizations that involve the sharing of operational and
5 financial responsibilities for the park unit and that have the effect
6 of reducing state costs. This paragraph does not apply to park
7 entrance fees, concession revenues, or any other revenues generated
8 within a park operated by a nonprofit organization pursuant to this
9 section.

10 (b) An operating agreement entered into pursuant to subdivision
11 (a) shall honor the existing term of a current concession contract
12 for the state park unit subject to the operating agreement.

13 (c) An operating agreement entered into pursuant to subdivision
14 (a) shall specify the duties that the nonprofit organization shall be
15 responsible for carrying out relative to management and protection
16 of natural, historical, and cultural resources, and shall identify
17 those management duties that shall continue to be conducted by
18 the department, so that all core operations of the park are
19 delineated. Scientific, architectural, and engineering functions that
20 require special expertise or professional training shall only be
21 conducted by or under the supervision of qualified persons with
22 applicable expertise or training and subject to oversight by the
23 department.

24 (d) This section does not supersede the requirements of Section
25 5019.53 regarding the protection of natural, scenic, cultural, and
26 ecological values.

27 (e) The nonprofit organization and the district superintendent
28 for the department shall, following submittal of the annual report
29 pursuant to subdivision (a), hold a joint public meeting for
30 discussion of the report.

31 (f) If the department intends to enter into an operating agreement
32 for the development, improvement, restoration, care, maintenance,
33 administration, or operation of a unit or units, or a portion of a
34 unit, the department shall notify the Member of the Legislature in
35 whose district the unit is located, the Chair of the Senate Committee
36 on Natural Resources and Water, the Chair of the Assembly
37 Committee on Water, Parks, and Wildlife, and the chairs of the
38 Assembly and Senate budget committees of that intention. The
39 notification shall include estimated operating costs and revenues

1 and core duties and responsibilities that are likely to be assigned
2 to the nonprofit organization and the department.

3 (g) For purposes of this section, a qualified nonprofit
4 organization is an organization that is all of the following:

5 (1) An organization that is exempt from taxation pursuant to
6 Section 501(c)(3) of the Internal Revenue Code.

7 (2) An organization that has as its principal purpose and activity
8 to provide visitor services in state parks, facilitate public access
9 to park resources, improve park facilities, provide interpretive and
10 educational services, or provide direct protection or stewardship
11 of natural, cultural, or historical lands, or resources.

12 (3) An organization that is in compliance with the Supervision
13 of Trustees and Fundraisers for Charitable Purposes Act, Article
14 7 (commencing with Section 12580) of Chapter 6 of Part 2 of
15 Division 3 of Title 2 of the Government Code.

16 (h) (1) Notwithstanding Section 10231.5 of the Government
17 Code, the department shall provide a report to the Legislature, on
18 a biennial basis, of the status of operating agreements it has entered
19 into pursuant to this section. The report shall include a list of units
20 of the state park system with operating agreements, discussion of
21 the management and operations of each unit subject to an operating
22 agreement, an accounting of the revenues and expenditures incurred
23 under each operating agreement, and an assessment of the benefit
24 to the state from operating agreements entered into pursuant to
25 this section.

26 (2) A report submitted pursuant to paragraph (1) shall be
27 submitted in compliance with Section 9795 of the Government
28 Code.